

REMARKS

Claims 1, 3-4, 18-19, 21, 25-26, 29-36, 41, 43, 51, 77 are pending in this case.

In the IPRP of May 8, 2006, claims 1-81 were deemed to lack novelty under PCT article 33(2).

Independent claims 1, 31 and 77 and dependent claims 3 and 4 are amended herewith.

New claims 82 – 85 are entered herewith.

The International Examiner asserted that claims 1, 3-4, 18-19, 21, 25-26, 29-36, 41, 43, 51, and 77 lack novelty with respect to US 5,141, 516 (hereinafter Detweiler) and also with respect to US 5,411,508 (hereinafter Bessler).

With regard to independent claim 1 as currently amended, the limit “*wherein the juxtaposition device remains primarily external to at least one of the vessels during the juxtaposing.*” clearly differentiates the claimed invention from both Detweiler and Bessler.

Alternately or additionally, Bessler is apparently silent as to the possibility of performing anastomoses of *blood vessels* as instantly claimed.

Support for the amendment to claim 1 can be found at least in Fig. 2C and on page 12, lines 6 to 34. Fig. 2C and these same passages of the specification also support new claims 82 and 83 and the amendments to claims 3 and 4.

Claims 3-4, 18-19, 21, 25-26 and 29-30 and new claims 82-83 are in condition for allowance at least by virtue of their dependence from claim 1.

With respect to independent claim 31 as currently amended, Detweiler does not teach, hint or fairly suggest use of any *external scaffold element* as instantly claimed.

With respect to independent claim 31 as currently amended, Bessler describes only **intestinal** anastomosis. Because of the great disparity between **intestinal** tissue and *blood vessels* in terms of size, texture, thickness, sealing requirements, tissue type and other characteristics, one of ordinary skill in the art would not find motivation to adapt teachings for **intestinal** anastomosis to *blood vessel* anastomosis. Therefore, even if Bessler did teach use of an *external scaffold element*, those teachings would not anticipate or render obvious what is claimed.

Support for the amendment to claim 31 is found at least on page 2, lines 4-7 and lines 10-12 and lines 21-23.

Claims 32-36, 41, 43 and 51 are in condition for allowance at least by virtue of their dependence from claim 31.

With respect to independent claim 77, neither Detweiler nor Bessler teaches, hints or fairly suggests use of “*an adhesive port ...configured to deliver an adhesive to said contact at an external portion of the contact*” as instantly claimed.

Alternately or additionally, neither Detweiler nor Bessler teaches, hints or fairly suggests use of “*an adhesive port on at least one of said first vessel holder and said second vessel holder*” as instantly claimed.

Support for the amendment to claim 77 is found at least in Figs. 12A to 12C and on page 24, lines 15-34. These Figures and this portion of the specification also support new claims 85. New claim 84 is supported by page 25, lines 2-3.

The Applicant respectfully suggests that none of the Amendments entered hereinabove introduce new matter into the application.

The Applicant respectfully suggests that all claims currently before the Examiner are in condition for allowance.

An action on the merits is respectfully awaited.

Respectfully submitted,



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October 10, 2007

Enclosed:
Additional Claim Transmittal.